

FREE STATE DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

MANUAL PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT NO. 2 OF 2000)

THE VISION OF THE DEPARTMENT

A dynamic, prosperous agricultural sector and a better life for rural communities.

THE MISSION OF THE DEPARTMENT

To empower the agricultural sector through the provisioning and facilitation of efficient agricultural development support and investment solutions in order to ensure rural development, constant economic growth and sustainable livelihoods.

The MEC is Mr MK Makume (Acting)
The Head of Department is Dr TJ Masiteng

A. CONTACT DETAILS [*section 14(1)(b) of the Act*]

Information Officer

Dr TJ Masiteng

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Deputy Information Officer

Mr T Mosuoane

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E-mail: mosuoane@fs.agric.za / tebzamosuoane@gmail.com

B. THE SECTION 10 GUIDE [*section 14(1)(c)*]

The Information Regulator must update the guide compiled by the Human Rights Commission. Any queries about the guide can be addressed to:

The Information Regulator (South Africa)
JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
PO Box 31533, Braamfontein, Johannesburg, 2017

General enquiries email: inforeg@justice.gov.za

C. ACCESS TO THE RECORDS HELD BY THE DEPARTMENT

(a) Automatic disclosures [section 14(1)(e)]

The notice in terms of section 15(2) describing the categories of the records that are available without a person having to request access in terms of the Act is not currently available.

However, the following are records that are published by the Department and is automatically available.

- (i) Annual reports
- (ii) Agriflyer
- (iii) Budget vote of the MEC

(b) The request procedures for other requests

- A requester must be given access to the record of the Department if the requester complies with the following:
 - All the procedural requirements in the Act relating to the request for access to that record and access to that record is not refused on any grounds for refusal mentioned in the Act. The Deputy Information Officer may be contacted to provide further information regarding grounds of refusal.
 - A requester must use the form printed in the *Government Gazette*.
- The requester must also indicate if the request is for a copy of the record or if the requester wants to peruse the record at the offices of the Deputy Information Officer.
- Alternatively, if the record is not a document it may be viewed in the requested form, if possible.
- If a person asks for access in a particular form the requester should be given access in the manner requested. Acceding to the request should not interfere unreasonably with the running of the department, or damage the record, or infringe upon a copyright not owned by the State. If, for practical reasons access cannot be given in the required form but in an alternate manner, the fee must not be more than the fee calculated according to the person's first request.

- If, in addition to a written reply to their request for the record, the requester wishes to be told about the decision in any other way, e.g. by telephone, this must be indicated.
- If a requester asks for the information on behalf of somebody else, the capacity in which the request is being made should be indicated.
- If a requester is unable to read or write, or has a disability, they may make the request for the record orally. The information officer must fill in the form on behalf of the requester and give them a copy.
- Two types of fees have to be paid in terms of the Act, the request fee and the access fee. Information regarding the bank account and reference number can be obtained from the information officer. A requester is also made aware that the Minister has exempted certain categories of persons from paying access fees and could obtain further information regarding such exemptions from the Deputy Information Officer.
- A requester who seeks access to a record must pay the required request fee as prescribed.
- The deputy information officer must inform the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- The requester may lodge an internal appeal, if appropriate, or an application to the court against the tender or payment of the request fee.
- After the deputy information officer has made a decision on the request the requester must be notified of such a decision in the manner requested by them.
- If the request is granted then a further access fee must be paid for the search, preparation, reproduction and for the time exceeding the prescribed hours of searching and preparing the record for disclosure. The fees are prescribed by legislation.

(c) Records that may be requested [section 14(1)(d)]

- Minutes of meetings
- Papers delivered by the Premier, MECs and other personnel
- Workshops and seminars
- Reports
- Books
- Complaints received
- Press releases
- Policies
- Employment records
- Procurement policies
- Budgets
- Strategic plans
- MTEF submissions
- Procurement documents

D. SERVICES AVAILABLE [section 14(1)(f)]

i. Nature of services

The services of the Department are the following:

CHIEF DIRECTORATE OF CORPORATE SERVICES

- Co-ordinate the implementation of the Information Technology Strategy.
- Ensure that the accountable information technology procurement system is maintained in the Department.
- Ensure that the implementation of electronic government in the Department is facilitated and managed.
- Ensure that the participation of the Department in the State Information Technology Agency is facilitated and managed effectively to protect the interests of the Department.
- Ensure that appropriate structures are in place.
- Determine a labour relations policy framework for the Department.
- Develop, facilitate and monitor the application of the departmental service delivery innovation strategy.
- Ensure that the Free State Department becomes a learning organisation.
- Provide effective and efficient administrative and financial management to the Department.
- Enhance financial accountability and discipline in the Department.
- Ensure effective and efficient communication with the media and the community.

- Ensure departmental participation in Multi-Purpose Community Centres.
- Manage a Call Centre and Info-line for the Department.
- Produce publications to enhance the image of the Department.
- Manage a computerised monitoring and evaluation tool in respect of the planned initiatives of various directorates.
- Facilitate and monitor the implementation of the National and Provincial Policy Framework for Women's Empowerment and Gender Equity.
- Develop and facilitate the implementation of the National and Provincial Disability Strategy.
- Facilitate and monitor the implementation of the National and Provincial Youth Policy.
- Assess the impact of gender mainstreaming on the public service.
- Draft agricultural legislation.

CHIEF DIRECTORATE OF AGRICULTURAL DEVELOPMENT AND TECHNICAL SERVICES

- Increase creation of wealth in agriculture and rural areas
- Increase sustainable employment
- Promote agriculture as an occupation and sector
- Provide technical support to farmers identify, customise, utilise and transfer appropriate agricultural technology.
- Provide agricultural training
- Provide agricultural economics services
- Improve farming efficiency
- Provide effective extension services
- Provide effective and efficient veterinary services
- Enhance access to natural resources by poor people to improve their livelihood
- Ensure that natural resources are conserved and sustained
- Provide agricultural infrastructure
- Give effective support to agricultural and related research and training
- Institutionalise partnership in agricultural development
- Provide farming information
- Provide agricultural engineering services
- Encourage agro-production and processing, job creation and poverty alleviation
- Facilitate optimal plant and livestock health, production and product safety
- Manage experimental facilities
- Provide education and training
- Establish PDIs
- Promote agricultural business projects

ii. **How to gain access to these services**

To gain access to the services of the Department, requests must be made to the Head of Department or the Deputy Information Officer.

E. ARRANGEMENT ALLOWING FOR PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY AND THE EXERCISE OF POWER

1. Campaigns, etc are arranged on regular intervals throughout the Province. The purpose is to bring about face-to-face provincial government interaction with communities to explain and account on policies, programs and projects.
2. In terms of the Rules and Orders of the Provincial Legislature, legislation is published for public comment before being tabled. The public is given an opportunity to make written representations or to appear before different portfolio committees.
3. Different provincial laws make provision for members of the public to nominate members who are to serve on certain committees. These representatives could influence decision-making.
4. In drafting of regulations, the public are also invited in terms of the provisions of the Promotion of Administrative Justice Act, 2000, to submit inputs with regard to matters affecting their rights.
5. Hlasela-TV is placed at the airport, hospitals and other public places on which information regarding the provincial government is made available to the public.
6. The media is used to provide information to the public.

F. THE REMEDIES AVAILABLE IF THE PROVISIONS OF THIS ACT ARE NOT COMPLIED WITH

A requester or third party may lodge an internal appeal against the decision of the (deputy) information officer within 60 days to the MEC or a person designated by the MEC. *The* appeal must be submitted to the Office of the deputy information officer, who must in terms of the Act forward it to the appeal authority. A requester may also lodge a complaint at the Information Regulator after he/she has exhausted the internal appeal procedure. Said complaint must be submitted within 180 days of the decision. Furthermore, the requester may apply to a court for appropriate relief after the requester has exhausted the internal procedure. Fees are also prescribed for this process.

G. PROCESSING OF PRIVATE INFORMATION

1. Purpose of use of personal information

- a) To manage human resources;
- b) To manage procurement and finances of the Department;
- c) To manage the bursary function for local and international students;
- d) To manage access control to offices of the Department;
- e) To gather contact information in order to consult and communicate with stakeholders;
- f) To confirm identities to promote good governance and for the detection and prevention of fraud, crime, corruption or other malpractice;
- g) For audit and record keeping purposes;
- h) To report to oversight bodies and national departments;
- i) To keep statistical data for research purposes;
- j) In connection with legal proceedings and legal advice.

The Department shall use personal information only for the purposes for which it was collected and/or agreed with a person. In addition, where necessary your information may be retained for legal, audit or research purposes.

2. Disclosure of information

The Department may disclose personal information to service providers who are involved in the delivery of products or services, e.g. consideration of temporary incapacity leave or information technology services. The Department includes provisions in agreements with service providers to regulate the confidentiality and privacy of information.

Furthermore, the Department may disclose personal information to oversight bodies, national departments, external auditors, pension funds, audit committee members and law enforcement agencies.

The Department may also disclose personal information:

- a) Where there is a duty or a right to disclose in terms of a law or as required by a court order;

- b) In terms of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000). Requesters must follow the application procedure in terms of the PAIA Manual on website and contact the Information Officer or the Deputy Information Officer. Such access request may be subject to a payment of prescribed fees;
- c) Where it is necessary to protect the rights of the Department.

3. Flow of Information outside borders

In support of the international bursary programme of the Department, personal information of students may be shared with Department of International Affairs, Embassies, Universities, Service Providers who renders services to students. Furthermore, personal information of staff and political office bearers may be shared with Department of International Affairs, Embassies, Service Providers when such persons travel abroad for work related matters. Consent of persons are obtained.

4. Information security

The Department must provide adequate protection for the personal information to prevent unauthorized access and use of personal information. Therefore, the Department is committed to reviewing of security controls and related procedures to ensure that personal information remains protected. The following is relevant in this regard:

- a) Physical security;
- b) Computer and network security;
- c) Record Management;
- d) Investigation of security incidents;
- e) Inclusion of provisions in contracts to regulate confidentiality of personal information.

5. Correction of information

Persons may ask to update, correct or delete any personal information. The Department will require as a minimum a certified copy of an Identity Document to confirm the requester's identity before considering the request to make changes to personal information, where necessary and legally allowed. The Department strives to keep personal information as accurate as possible.

H. UPDATING OF THE MANUAL

The Department will, when necessary, update this manual.

I. AVAILABILITY OF THE MANUAL

The manual of the Department is made available in the following manner:

- A copy in each of the three official languages (Sesotho, English and Afrikaans) is available at the Office of the Deputy Information Officer.
- The manual is available on the website of the Department at freestateonline.fs.gov.za.